

IC 23-13-18

Chapter 18. Vincennes University

IC 23-13-18-1

Incorporation; powers and duties

Sec. 1. (a) There is instituted and incorporated Vincennes University.

(b) There is created a body corporate and politic, by the name of "the board of trustees for the Vincennes University" that is ordained, constituted and declared to be forever a body politic and corporate, in fact and in name, and by that name, the trustees and their successors shall have continual succession and shall be persons in law capable of:

- (1) suing and being sued;
- (2) pleading and being impleaded;
- (3) answering and being answered unto; and
- (4) defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever.

(c) The board of trustees may:

- (1) have a common seal, and make and alter the same at their pleasure; and
- (2) by the same name and style, be in law capable of purchasing, holding, leasing and conveying any estate, real or personal, for the use of the university.

(Formerly: Acts 1807, c.67, s.1.) As added by Acts 1982, P.L.146, SEC.2.

IC 23-13-18-2

Sale and lease of land for support of university

Sec. 2. Congress has appropriated a township of land, of twenty-three thousand and forty acres (23,040), for the use and support of the university. The trustees are authorized to sell, transfer, convey, and dispose of any quantity, not exceeding four thousand (4,000) acres of the land, for the purpose of putting into immediate operation, the university and to lease or rent the remaining part of the land, to the best advantage, for the use of the university.

(Formerly: Acts 1807, c.67, s.2.) As added by Acts 1982, P.L.146, SEC.2.

IC 23-13-18-3

Acquisition of land for campus; eminent domain

Sec. 3. The acquisition of so much land as may from time to time be needed as a campus by the Vincennes University is declared to be for public use and title thereto may be taken under the power of eminent domain.

(Formerly: Acts 1807, c.67, s.3; Acts 1927, c.101, s.1; Acts 1951, c.196, s.1; Acts 1959, c.364, s.1; Acts 1963, c.160, s.1; Acts 1975, P.L.346, SEC.1; Acts 1976, P.L.150, SEC.1; Acts 1981, P.L.325, SEC.1.) As added by Acts 1982, P.L.146, SEC.2.

IC 23-13-18-4

Board of trustees; membership; meetings; quorum; salary and expenses

Sec. 4. (a) The board of trustees of Vincennes University shall consist of ten (10) trustees. Nine (9) shall be appointed by the governor, one (1) of whom must be a resident of Knox County and one (1) must be an alumnus of Vincennes. In addition, the governor shall appoint one (1) trustee who is a full-time student of the university during his term.

(b) To aid the governor in the selection of the student member, a search and screen committee is created consisting of one (1) representative of the governor and at least four (4) students chosen by the elected student government representatives of the student body. The committee shall establish the mode and criteria to be used in the selection of student nominees to serve on the board of trustees. The committee shall submit a list of at least five (5) names to the governor for his consideration. The governor shall select one (1) of these names for appointment as a trustee of the university in accordance with the provisions of this chapter.

(c) There shall be four (4) ex officio members of the board: the president of the university, the superintendent of the Vincennes Community School Corporation, the superintendent of the South Knox School Corporation, and the superintendent of the North Knox School Corporation.

(d) The term of each appointed trustee shall be for three (3) years, except that of the student appointee, who shall serve a one (1) year term. When a vacancy occurs in the membership of the board of trustees, such vacancy shall be filled by the board for the unexpired term. The appropriate number of appointive trustees shall be appointed prior to the first Monday of October of each year, and that first Monday shall be the first day of their terms.

(e) The annual meeting of the board shall be held on the first Monday of October of each year. Special meetings may be called by the president of the board or by any four (4) trustees.

(f) Six (6) trustees shall constitute a quorum at any regular or special meeting of the board.

(g) The trustees shall serve without compensation, except that each member is entitled to the salary per diem as provided by IC 4-10-11-2.1 and to reimbursement for travel, lodging, meals, and other expenses as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

(Formerly: Acts 1807, c.67, s.3; Acts 1927, c.101, s.1; Acts 1951, c.196, s.1; Acts 1959, c.364, s.1; Acts 1963, c.160, s.1; Acts 1975, P.L.346, SEC.1; Acts 1976, P.L.150, SEC.1; Acts 1981, P.L.325, SEC.1.) As added by Acts 1982, P.L.146, SEC.2.

IC 23-13-18-5

Powers and duties

Sec. 5. The trustees, or a majority of them, shall have full power,

from time to time, to:

- (1) make such bylaws and regulations in writing, not inconsistent with this chapter, with the laws of Indiana, or of the United States, as to them shall appear necessary for the good government of the said university, and the students thereof, and the same to be put in execution, revoke, alter and make anew as to them shall appear necessary; and
- (2) appoint such subordinate officers, as they may think convenient for the police of said university, and for carrying this chapter into effect, and by ordinance to require such sureties from the several officers and to annex such fees to the several officers of the corporation, and to impose such fines for a neglect of duty or misconduct in office as to them shall appear proper.

(Formerly: Acts 1807, c.67, s.4.) As added by Acts 1982, P.L.146, SEC.2.

IC 23-13-18-6

President of trustees; president pro tempore

Sec. 6. The trustees at their first stated meeting shall elect a president out of their own body, and in case of his absence at any future stated or extraordinary meeting, the said trustees shall elect a president pro tempore.

(Formerly: Acts 1807, c.67, s.5.) As added by Acts 1982, P.L.146, SEC.2.

IC 23-13-18-7

President and faculty of university; power; term

Sec. 7. (a) The trustees shall appoint to preside over and govern the said university a president.

(b) The president and professors shall instruct and give lectures to the students of the said university, according to such plan of education as the said trustees may approve and direct.

(c) The president and professors, or a majority of them, shall be styled and called the "faculty of the university". The faculty shall have the power:

- (1) of enforcing the rules and regulations adopted by the said trustees for the government and discipline of the said university;
- (2) for granting and confirming by, and with the consent of the trustees such degrees in the liberal arts and sciences to such students of the said university, who by their proficiency in learning the said professors shall think entitled to them, as are usually granted and conferred in other universities in the United States; and
- (3) to grant to such graduates diplomas, under the common seal of the said university, to authenticate, and perpetuate the memory of such graduations.

(d) The said president and professors shall hold their offices during the pleasure of the trustees, and the president of the university, ex officio for the time being, shall be considered as one

(1) of the trustees of said university.
(Formerly: Acts 1807, c.67, s.6.) As added by Acts 1982, P.L.146, SEC.2.

IC 23-13-18-8

General duties of trustees

Sec. 8. It shall be the duty of the said trustees, and they are hereby authorized and required as soon as may be, to:

- (1) erect, purchase or hire, as they may deem most expedient, for carrying the said university into effect, suitable buildings for the said university;
- (2) make ordinances for the government and discipline thereof;
- (3) establish plans of education, which plans shall embrace each and every of the languages, sciences and branches of learning directed to be taught in the said university;
- (4) regulate the admission of students and pupils into the same;
- (5) elect and appoint persons of suitable learning and talents to be president and professors of the said university and agree with them for their salaries and emoluments;
- (6) visit and inspect the said university;
- (7) examine into the state of education and discipline therein;
- (8) make a yearly report thereof to the legislature; and
- (9) generally to do all lawful matters and things whatsoever, necessary for the maintaining and supporting the institution and for the more extensive communication of useful knowledge.

(Formerly: Acts 1807, c.67, s.7.) As added by Acts 1982, P.L.146, SEC.2. Amended by P.L.2-1995, SEC.88.

IC 23-13-18-9

Establishment of library

Sec. 9. The trustees shall:

- (1) establish a library, in and for the use of the students, professors and other members of the said university, to consist of such books and experimental apparatus as they may deem proper for the said university and to be provided in such manner and by such ways and means as they or a majority of them shall by ordinance direct; and
- (2) regulate the terms upon which books and apparatus may be taken out of the said library and returned to the same.

(Formerly: Acts 1807, c.67, s.8.) As added by Acts 1982, P.L.146, SEC.2.

IC 23-13-18-10

Election and appointment of professor of divinity, of law, and of physic

Sec. 10. (a) The said trustees shall from time to time:

- (1) elect and appoint a professor of divinity, of law and of physic, whenever they may deem it necessary for the good of the university, or when the progressed state of education in the said university may require it;

(2) agree with them for their salaries; and

(3) point out the duties of said professors.

(b) The said professors shall be considered as members of the faculty of said university and hold their appointments during the pleasure of the board of trustees.

(c) No particular tenets of religion shall be taught in said university, by the president or by the professors mentioned in this section.

(Formerly: Acts 1807, c.67, s.9, 10.) As added by Acts 1982, P.L.146, SEC.2.

IC 23-13-18-11

Encouragement of aborigines

Sec. 11. (a) The said trustees shall use their utmost endeavors to induce the said aborigines to send their children to the said university, for education, who when sent, shall be maintained, clothed, and educated, at the expense of the said university.

(b) The students, whenever the funds of the university shall, in the opinion of the trustees permit it, be educated gratis at the said university, in all or any of the branches of education which they may require.

(Formerly: Acts 1807, c.67, s.11.) As added by Acts 1982, P.L.146, SEC.2.

IC 23-13-18-12

Exemption of professor and students from militia

Sec. 12. The professors during their professorship, and the students, while at the university, shall be exempt from militia duty.

(Formerly: Acts 1807, c.67, s.12.) As added by Acts 1982, P.L.146, SEC.2.

IC 23-13-18-13

Establishment of grammar school

Sec. 13. The said trustees shall have the power to establish a grammar school, connected with, and dependent upon the said university, for the purpose of teaching the rudiments of the languages. The trustees may employ a master and ushers specially for this purpose, or employ the professor of languages to superintend the same, as the one (1) or the other may be found most convenient and economical.

(Formerly: Acts 1807, c.67, s.14.) As added by Acts 1982, P.L.146, SEC.2.

IC 23-13-18-14

Construction of buildings; operate and control properties; lease or purchase of property

Sec. 14. (a) The trustees of Vincennes University are hereby authorized and empowered, from time to time, and as such trustees shall find a necessity therefor exists, to:

(1) erect, construct, and complete buildings, structures and

otherwise improve property owned by the university;
(2) equip, furnish, operate, control and manage said properties for the purposes of the or for the benefit of the university; and
(3) acquire by purchase, lease, gift or otherwise, such property both real or personal as in the judgment of said trustees shall be necessary for such purposes. The said trustees are further authorized and empowered to use any real or personal property heretofore acquired by said trustees for such purposes.

(b) Title to all property so acquired including the improvements thereon shall be taken and held by and in the name of said trustees in their corporate capacities for the purposes of this chapter.

(Formerly: Acts 1953, c.22, s.1.) As added by Acts 1982, P.L.146, SEC.2.

IC 23-13-18-15

Issuance and sale of revenue bonds; purposes; security

Sec. 15. (a) For the purpose of:

- (1) raising funds for improving property as provided in section 14 of this chapter;
- (2) acquiring property as provided in section 14 of this chapter;
- (3) the interim financing of the cost of any such improvement or acquisition;
- (4) the reimbursing of the trustees of Vincennes University for funds expended or advanced for interim financing of the cost of any such improvement or acquisition, or, subject to existing covenants and agreements with the holders of outstanding bonds, for funding or refunding bonds issued pursuant to this section; or
- (5) for any one (1) or more of the foregoing;

the trustees of Vincennes University are authorized and empowered to issue and sell revenue bonds of the university.

(b) The bonds and the interest thereon may be secured in any one

(1) or more of the following ways as the trustees may determine:

- (1) By pledge or mortgage of any property, real or personal, used or acquired or to be acquired and used for such purposes, and the improvements made or to be made thereon.
- (2) By pledge or mortgage of the net income from said property.
- (3) By the pledge or mortgage of the unobligated net revenues of any one (1) or more other properties of the trustees of Vincennes University.
- (4) In the case of bonds issued under this section for interim financing of any property, by pledge of the funds derived from the sale of the bonds issued and sold under this section for the permanent financing thereof.

(c) The lien of said pledge or mortgage, to the extent thereof, as determined and provided by the trustees, and as authorized by this section, shall be a first and primary lien for the payment of said bonds and the interest thereon. In authorizing the issuance of such bonds for any particular property or properties, the trustees of Vincennes University may limit the amount of bonds that may be

issued as a first lien and charge against such property or properties and the net income therefrom, or may authorize the issuance from time to time thereafter of additional obligations secured by the same lien to provide funds for the completion of the property or properties on account of which the original bonds were issued, or for any other purpose authorized by this chapter, or both. Such additional bonds shall be issued on such terms and conditions as the trustees of Vincennes University may determine, and may be secured equally and ratably, without preference, priority or distinction, with the original issue of bonds or may be made junior thereto.

(d) If the trustees of Vincennes University determine that it would be advantageous to the corporation to exchange funding or refunding bonds for the bonds being refunded, such exchange may be made, provided the actual interest cost is not increased.

(Formerly: Acts 1953, c.22, s.2; Acts 1965, c.370, s.1; Acts 1967, c.341, s.1.) As added by Acts 1982, P.L.146, SEC.2. Amended by P.L.2-1995, SEC.89.

IC 23-13-18-16 Repealed

(Repealed by P.L.18-1983, SEC.14.)

IC 23-13-18-17

Amount of revenue bonds; form; terms; resolution; sale

Sec. 17. (a) Bonds authorized by section 15 of this chapter may be issued in an amount or amounts as the trustees of Vincennes University determine. However, the bonds authorized may not exceed:

- (1) the total estimated cost of any proposed building, facility, work, act, or undertaking authorized, including interest during construction, incidental expenses, debt service reserves, and financing costs; or
- (2) the amount required to effect any proposed funding or refunding operation.

(b) The bonds may be issued in the form, upon the terms and conditions, at the rates of interest, and in the denominations (which may be made convertible into different denominations) as may be determined by the adoption of a resolution or approval of a form of trust indenture between the university and a designated corporate trustee, or both.

(c) The resolution or the indenture may include:

- (1) provisions for protecting and enforcing the rights and remedies of the holders of the bonds being issued;
- (2) covenants setting forth the duties of the corporation and its officers in relation to the acquisition, construction, operation, maintenance, use, abandonment, insurance to be carried on its property, and the maintenance of fees and charges to be collected on account of its property;
- (3) provisions for the custody, safeguarding, application of all money, and the rights and remedies of the trustee and the holders of the bonds being issued;

(4) provisions for the issuance of additional bonds as provided in the resolution or indenture; and

(5) other terms, conditions, limitations, and covenants as the trustees consider proper.

(d) The bonds shall be sold at public sale or negotiated sale to the highest bidder as provided by IC 4-1-5. All bonds and the interest coupons appertaining to the bonds issued under this chapter are negotiable instruments within the meaning and for all purposes under the laws of this state, subject only to the provisions of the bonds for registration as to principal, or as to principal and interest. Any bonds registered as to principal and interest may be made convertible to bearer bonds with coupons.

(e) No action to contest the validity of any bonds issued under this chapter shall be brought after the fifteenth day following:

(1) the first publication of notice of the sale or intent to sell the bonds under IC 4-1-5, if the bonds are sold at public sale; or

(2) the publication one (1) time in newspapers described in IC 4-1-5-1 of notice of execution and delivery of the contract of sale for the bonds, if the bonds are sold at negotiated sale.

(f) The university shall publish notice under subsection (e)(2) if it sells bonds at negotiated sale no later than thirty (30) days after the execution of the contract of sale for the bonds.

(g) The rate or rates of interest of the bonds may be fixed or variable. Variable rates shall be determined under the procedures set forth in the resolution or indenture authorizing the issuance of the bonds. Bonds bearing a variable rate of interest may be converted to bonds bearing a fixed rate or rates of interest as set forth in the resolution or indenture. The interest may be payable semiannually, annually, or at other intervals as may be provided in the resolution or indenture, or the interest may be compounded and paid at maturity or at any other time as specified in the resolution or indenture.

(Formerly: Acts 1953, c.22, s.2B; Acts 1967, c.341, s.3.) As added by Acts 1982, P.L.146, SEC.2. Amended by P.L.18-1983, SEC.12; P.L.17-1987, SEC.21.

IC 23-13-18-18

Execution of bonds

Sec. 18. The bonds and coupons appertaining thereto shall be executed in the corporate name by the manual or facsimile signatures of such officer or officers of the university as the trustees shall designate. The signature of at least one (1) such officer on each such bond shall be a manual signature. The seal or a facsimile thereof of the university shall be affixed, imprinted, engraved, or otherwise reproduced on each bond. In case any officer whose manual or facsimile signature appears on any bond or coupon shall cease to be such officer before the delivery of such bonds, such signature shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery. The resolution or trust agreement pursuant to which such bonds are issued may provide for the authentication of the bonds by the trustee designated therein.

(Formerly: Acts 1953, c.22, s.2C; Acts 1967, c.341, s.4.) As added by Acts 1982, P.L.146, SEC.2.

IC 23-13-18-19

Bonds as eligible investments

Sec. 19. Any bonds issued pursuant to the provisions of this chapter shall be eligible investments for the funds of any kind or character of every financial institution, insurance company, or private trust, and such bonds shall be eligible for deposit by any financial institution, insurance company, or trustee under any law of this state providing for the deposit of securities or funds.

(Formerly: Acts 1953, c.22, s.2D; Acts 1967, c.341, s.5.) As added by Acts 1982, P.L.146, SEC.2.

IC 23-13-18-20

Bond defined

Sec. 20. The term "bond" or "bonds" as used in this chapter shall mean any bonds (including refunding bonds), notes, temporary, interim or permanent certificates of indebtedness, debentures, or other obligations evidencing indebtedness for borrowed money.

(Formerly: Acts 1953, c.22, s.2E; Acts 1967, c.341, s.6.) As added by Acts 1982, P.L.146, SEC.2.

IC 23-13-18-21

Lease or sale of property not required for educational purposes

Sec. 21. The trustees of Vincennes University are authorized and empowered to lease or sell property of the university which, in the judgment of the trustees, is not required for educational purposes, together with any improvements constructed thereon or to be constructed thereon. Such lease or sale shall be made upon such terms and conditions as said trustees deem proper.

(Formerly: Acts 1953, c.22, s.3; Acts 1967, c.341, s.7.) As added by Acts 1982, P.L.146, SEC.2.

IC 23-13-18-22

Obligations not to become lien or charge against university except as provided in chapters

Sec. 22. No indebtedness, bond or obligation incurred or created under the authority of this chapter shall be or become a lien, charge or liability against the university nor against the property or funds of the university except to the extent authorized by this chapter.

(Formerly: Acts 1953, c.22, s.4; Acts 1965, c.370, s.3.) As added by Acts 1982, P.L.146, SEC.2.

IC 23-13-18-23

Furnishing heat, light, and power

Sec. 23. Said trustees may in their discretion furnish heat, light, power and other like facilities or service to any or all structures to be constructed under the provisions of this chapter from the plant or facilities of the university, with or without charge therefor.

(Formerly: Acts 1953, c.22, s.5.) As added by Acts 1982, P.L.146, SEC.2.

IC 23-13-18-24

Authority to accept gifts, bequests, and devises

Sec. 24. Express power and authority is hereby given to the trustees of Vincennes University to accept gifts, bequests, and devises of personal and real property for the maintenance, use or benefit of such university, or to be administered for other public charitable purposes, for the benefit or use of students of the university.

(Formerly: Acts 1953, c.22, s.6.) As added by Acts 1982, P.L.146, SEC.2.

IC 23-13-18-25

Terms and conditions of receipt and acceptance of gifts, bequests, and devises

Sec. 25. (a) The trustees of Vincennes University are hereby granted the authority to receive, accept, hold, administer and use any property transferred to them by gift, bequest or devise, with such terms and conditions, and with such obligations, liabilities and burdens as are imposed thereon, when, in the judgment of the trustees, it is for the best interest of the university.

(b) When any gift, devise or bequest is made for the purpose of providing an annuity, the same may be accepted by the trustees of the university on condition that the university pay to:

- (1) the donor, for the life of the donor, or for a term of years not beyond the lifetime of the donor, as may be agreed;
- (2) any person or persons named by the donor or testator, in being at the time of the making of said gift, devise or bequest, for the life or lives of such named person or persons, as may be agreed upon; or
- (3) the donor and/or to any person or persons named by the donor or testator, in being at the time of such gift, devise or bequest, for the life of the donor and the life or lives of such named person or persons, either in succession in a designated order of survivorship or in shares, concurrently, as may be agreed upon;

an annuity on the value of the property at the time the gift, devise or bequest is made, but such annuity shall in no case exceed the actual income of the property, donated, devised or bequeathed, unless a written agreement to pay a greater sum than such annuity is executed by the trustees of such university.

(c) For the purpose of securing the payment of annuities, granted under this section, the property comprised in the gift, devise, or bequest may be pledged by way of mortgage or otherwise to the annuitant or annuitants for the full period of the life of the annuity or annuities but the property pledged shall be the sole guaranty, and the donee shall not be obligated in any other manner unless by written agreement of the donee.

(Formerly: Acts 1953, c.22, s.7.) As added by Acts 1982, P.L.146, SEC.2.

IC 23-13-18-26

Use or disposal of property received from gift, bequest, or devise

Sec. 26. The trustees of Vincennes University, may, if not inconsistent with the terms and conditions of such gift, bequest or devise, sell, convey or otherwise dispose of such real property and invest or reinvest or use the proceeds derived from such sale, conveyance or disposition as in the judgment of the trustees will be of greatest benefit to the university. All money or other proceeds derived from the sale, conveyance or other disposition of any such real property shall be kept in a separate and distinct fund, and shall be devoted exclusively to the uses which shall have been designated and prescribed in the gift, bequest or devise under the terms of which such property was originally received and acquired. If the uses to which such property is to be devoted shall not have been specifically designated or prescribed in such gift, bequest or devise, then and in that event, the trustees of the university shall have the authority to prescribe the uses to which the proceeds derived from the sale, conveyance or other disposition of any such real property shall be devoted. The purchaser of any real property so sold, or to whom any such real property is to be conveyed or otherwise disposed of shall pay the purchase money therefor, as the same shall have been agreed upon, to the treasurer of the university and shall take the receipt of said treasurer therefor. Upon presentation of the receipt of the treasurer to the trustees of the university such trustees shall cause to be executed a deed of conveyance to such purchases, which deed shall be signed by the trustees.

(Formerly: Acts 1953, c.22, s.8.) As added by Acts 1982, P.L.146, SEC.2.

IC 23-13-18-27

Exemption of bonds from taxation

Sec. 27. All bonds issued under the authority of this chapter together with the interest thereon, shall be exempt from taxation as provided by IC 6-8-5.

(Formerly: Acts 1953, c.22, s.9.) As added by Acts 1982, P.L.146, SEC.2.